

Remarks

Claims 1-68 are pending in the instant application. Claims 1-61 and 66-68 have been withdrawn from consideration, and Claims 62-65 rejected by the Examiner. By the above amendments, the specification has been amended to update the cross-reference to related applications and Claims 1-61 and 66-68 have been cancelled without prejudice. Applicants submit that the amendments canceling Claims 1-61 and 66-68 are being made solely to advance the prosecution of the instant application and are not in any way to be construed as an admission that the cancelled material is unpatentable. Thus, Applicants reserve the right to pursue coverage of the cancelled material by filing a continuation or a divisional application at an appropriate time in the future. Reconsideration of the captioned application based on the above amendments and following remarks is respectfully requested.

The Examiner has rejected Claims 62 and 64-65 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,699,840 in view of Bhatt et al. (U.S. Patent No. 6,368,626). In addition, the Examiner has rejected Claim 63 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,699,840 in view of U.S. Patent No. 6,342,249. Applicants submit herewith a terminal disclaimer disclaiming the term of the patent issuing from this application which extends beyond the expiration date of U.S. Patent No. 6,699,840. Since the Terminal Disclaimer is in compliance with 1.321(c) and this application is commonly owned with U.S. Patent No. 6,699,840, Applicants respectfully request that the Examiner withdraw the rejection of Claims 62-65 under the judicially created doctrine of obviousness-type double patenting.

In view of the above amendments and remarks, Applicants maintain that the application is in condition for allowance and passage to issue is earnestly requested.

Respectfully submitted,

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